

REMARKS

At the onset, Applicants wish to thank the Examiner for the courtesy extended to Applicants' attorney representative during a telephonic interview conducted on October 27, 2005. As noted in an Interview Summary prepared by the Examiner and having a mailing date of November 2, 2005, while potential claim amendments which would appear to read over the prior art of record were discussed during the interview, the Examiner concluded additional searching would be required.

Claims 1-15, as amended, are presently pending in the application. Claim 1 has been amended to incorporate subject matter cancelled from claim 2. Claims 7-10 and 14 have been amended to address objections for certain informalities. No new matter has been added by the amendments.

Objections to the Claims

The Examiner has objected to claims 6-10 and 14 for certain informalities. With amendment of claim 1, there is now antecedent support for "the connectors" recited in claim 6. Claims 7 and 8 have been amended to depend from claim 6 rather than claim 1, and there is now antecedent support for "the threaded retainers". Claims 9 and 10 have been amended to depend from claim 2, and there is now antecedent support for "the protrusion" of claims 9 and 10. Claim 14 has been amended to eliminate the antecedent basis issue relating to "the inlet", and to more particularly point out and claim the inlet. Support for the amendment is found at least in the specification at page 4, lines 5-6 and Fig. 2. Applicants respectfully request that the Examiner's objections to the claims be withdrawn.

Claim Rejections – 35 U.S.C. § 103 – claims 1, 4, and 5

The Examiner has rejected claims 1, 4, and 5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,618,157 (Bassin) in view of U.S. Patent No. 6,250,693 (Gensert *et al.*, hereinafter "Gensert"). The Examiner states that Bassin discloses an apparatus for processing lawn and garden organic debris, comprising a fan housing (10) having a wall opening (21), and further comprising a hose (34) having a nozzle and a circular flange (36) being releasably positionable on the opening (21). The Examiner notes that Bassin fails to disclose a

semi-circular retainer plate surrounding a portion of the opening and coupled to and spaced from the wall to define a slot. The Examiner further states that Gensert discloses a tubular coupling including a semi-circular retainer plate (4) surrounding a portion of an opening (at 1) and coupled to and spaced from a wall (1a) to define a slot through which a flange (2a) is positionable. The Examiner asserts that it would have been obvious to one of ordinary skill in the art to combine the retainer of Gensert with the device of Bassin in order to releasably secure the tube to the housing. Applicants respectfully traverse these rejections.

Bassin discloses a yard cleaning machine having a blower housing 10 having a conduit 22 extending therefrom and defining an inlet 21. When not in use, a protective cover 24 may be disposed in the conduit 22 to preclude insertion of objects into the inlet 21 (see column 3, lines 15-17). A vacuum hose 34 is provided, having a collar 36 with locking tongues 38 which are receivable in locking slots 28 of the conduit 22 to connect the hose 34 to the conduit 22 in a bayonet fashion.

Gensert discloses a device for connecting two tubular pipe sections 1, 2. Pipe section 1 is provided with an end piece 1a illustrated to have a frusto-conical shape, while pipe section 2 is provided with a flange-type end piece 2a. A clamp spring element 4 has a first spring limb 6 and a second spring limb 7. Each spring limb 6, 7 is provided with a central cut-out 8, allowing the spring element 4 to slide over the assembly of pipe sections 1 and 2. With the spring element 4 installed on assembled pipe sections 1 and 2, the first and second legs 6, 7 embrace the end pieces 1a, 2a, and the spring device 4 exerts a spring force on the end pieces 1a, 2a, tending to force the pipe sections 1, 2 together.

Claim 1 is directed to an apparatus for processing lawn and garden organic debris, and, as amended, recites *inter alia*:

...
a fan housing having a wall with an opening for allowing
air to pass therethrough;
a retainer plate surrounding a portion of the opening and
coupled to the wall, the retainer plate being spaced from the wall to
define a slot between the wall and the retainer plate;

at least first and second connectors extending outwardly from the wall, wherein the retainer plate is coupled to the wall by the at least first and second connectors;... . (emphasis added)

Bassin and Gensert are not properly combinable under 35 U.S.C. § 103(a). There is no teaching, motivation, or suggestion to combine the spring device of Gensert with the yard cleaning machine of Bassin. The proposed modification would provide no advantage over the hose connection design of Bassin, and indeed, the person of ordinary skill having the disclosures of Gensert and Bassin before him or her would recognize that in order to use the spring device of Gensert to couple the hose flange 36 with the conduit 22 of Bassin, it would be necessary to modify the conduit 22 of Bassin to include a flange end. Thus, the artisan would recognize a disincentive to combining Gensert with Bassin, as the proposed combination would require re-design of a satisfactorily functional structure for connecting the hose 34 to the fan housing 10 to accommodate the spring device of Gensert. In addition to requiring modification of the conduit 22, the artisan would also recognize that use of the spring device of Gensert would not be desirable in a yard cleaning machine application, as the spring device, when separated from a remainder of the machine, could easily be lost.

However, assuming *arguendo* that Gensert is properly combinable with Bassin, the proposed combination fails to disclose at least the feature recited in claim 1, as amended, of at least first and second connectors extending outwardly from the wall, wherein the retainer plate is coupled to the wall by the at least first and second connectors. Gensert and Bassin, both individually and in the proposed combination, fail to disclose first and second connectors extending outwardly from a fan housing wall to couple a retainer plate to a wall.

Neither combination nor modification of the Bassin and Gensert references is taught or suggested by the prior art. Even if combined, the proposed combination would fail to teach, disclose or suggest all of the elements of claim 1. The rejection of dependent claims 4 and 5 is overcome at least in view of their dependency upon claim 1. It is therefore respectfully submitted that a *prima facie* case for obviousness has not been established with respect to claims 1, 4, and 5. Accordingly, it is respectfully requested that the rejection of claims 1, 4, and 5 under 35 U.S.C. § 103(a) be withdrawn.

Claim Rejections – 35 U.S.C. § 103 – claims 1-3 and 6-10

The Examiner has rejected claims 1-3 and 6-10 under 35 U.S.C. § 103(a) as being unpatentable over Bassin in view of U.S. Patent No. 6,179,344 (Marsden). The Examiner states that Bassin discloses an apparatus for processing lawn and garden organic debris, comprising a fan housing (10) having a wall opening (21), and further comprising a hose (34) having a nozzle and a circular flange (36) being releasably positionable on the opening (21). The Examiner notes that Bassin fails to disclose a semi-circular retainer plate surrounding a portion of the opening and coupled to and spaced from the wall to define a slot. The Examiner also notes that Bassin fails to disclose connectors and a protrusion extending outwardly from a wall, and circumscribing a perimeter. Furthermore, the Examiner notes that Bassin fails to disclose a retainer plate being coupled to a fan housing wall by connectors. The Examiner states that Marsden discloses a coupling device including a retainer plate (42-44) coupled to a wall (at 26) by connectors (unnumbered, see Figs. 4A and 4B) extending outwardly from a wall. The Examiner further asserts that it would have been obvious to one of ordinary skill in the art to combine the retainer of Marsden with the device of Bassin in order to easily couple a hose to a housing. Applicants respectfully traverse these rejections.

Marsden discloses an adapter 40 for connecting an outlet fitting 20 extending from a railroad hopper car to a hose 11' or 13a. An end of the outlet fitting 20 is provided with a flange 25. An end of the hose is provided with a conventional commercially available coupling (not shown). At a first end, the adapter 40 is provided with a flange, having three "dog-ear" plates 42-44 mounted rotatably thereto. At a second end, the adapter 40 is provided with a conventional commercially available coupling 41, which mates with the hose coupling (not shown). In use, the adapter 40 is mounted to the outlet fitting 20 by bringing the adapter flange into face to face engagement with the outlet fitting flange 25, and rotating the dog-ear plates 42-44 over the outlet fitting flange 25.

As noted above, claim 1, as amended, recites *inter alia*:

...
at least first and second connectors extending outwardly
from the wall, wherein the retainer plate is coupled to the wall by
the at least first and second connectors;... .

Bassin and Marsden are not properly combinable under 35 U.S.C. § 103(a). The proposed modification would provide no advantage over the design of Bassin, and indeed, the person of ordinary skill having the disclosures of Marsden and Bassin before him or her would recognize that in order to use the dog-ear plates of Marsden to couple the hose flange 36 with the conduit 22 of Bassin, it would be necessary to modify both the conduit 22 and the flange 36 of Bassin to each include a flat-faced flange end. Thus, the artisan would recognize a disincentive to combining Marsden with Bassin, as the proposed combination would require a more costly re-design of a satisfactorily functional structure for connecting the hose 34 to the fan housing 10 to accommodate the dog-ear plates of Marsden.

However, assuming *arguendo* that Marsden is properly combinable with Bassin, the proposed combination fails to disclose at least the feature recited in claim 1, as amended, of at least first and second connectors extending outwardly from the wall, **wherein the retainer plate is coupled to the wall by the at least first and second connectors.** Marsden and Bassin, both individually and in the proposed combination, fail to disclose a retainer plate coupled to a wall by at least first and second connectors. The dog-ear plates 42-44 of Marsden rotatably attach to the adapter 40 by a single connector. Providing a second connector to attach each dog-ear plate 42-44 to the adapter would clearly defeat operation of the dog-ear plates, as a second connector would prevent rotation of the dog-ear plates.

Neither combination nor modification of the Bassin and Marsden references is taught or suggested by the prior art. Even if combined, the proposed combination would fail to teach, disclose or suggest all of the elements of claim 1. The rejection of dependent claims 2, 3, and 6-10 is overcome at least in view of their dependency upon claim 1. It is therefore respectfully submitted that a *prima facie* case for obviousness has not been established with respect to claims 1-3 and 6-10. Accordingly, it is respectfully requested that the rejection of claims 1-3 and 6-10 under 35 U.S.C. § 103(a) be withdrawn.

Claim Rejection – 35 U.S.C. § 103 – claim 11

The Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Bassin and Gensert and further in view of U.S. Patent No. 3,750,378 (Thorud *et al.*, hereinafter

“Thorud”). Thorud discloses a rotary mower having a safety discharge, including a safety switch operating as an interlock to prevent operation of the mower engine when a cover is not in a safe operating position.

As discussed above, Bassin and Gensert are not properly combinable under 35 U.S.C. § 103(a), and even if combined would fail to disclose the features recited in claim 1, from which claim 11 depends, of first and second connectors extending outwardly from a wall, wherein a retainer plate is coupled to the wall by the at least first and second connectors. Assuming *arguendo* that Bassin, Gensert, and Thorud could be properly combined under 35 U.S.C. § 103(a), Thorud also fails to disclose the feature recited in claim 1 of first and second connectors extending outwardly from a wall, wherein a retainer plate is coupled to the wall by the at least first and second connectors. Thus, even if combined as proposed by the Examiner, the proposed combination would fail to teach, disclose or suggest all of the elements of claim 1. The rejection of dependent claim 11 is overcome at least in view of its dependency upon claim 1. It is therefore respectfully submitted that a *prima facie* case for obviousness has not been established with respect to claim 11. Accordingly, it is respectfully requested that the rejection of claim 11 under 35 U.S.C. § 103(a) be withdrawn.

Claim Rejections – 35 U.S.C. § 103 – claims 12 and 13

The Examiner has rejected claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Bassin and Gensert and further in view of U.S. Patent No. 2,362,142 (Lykken). Lykken discloses a pulverizing and classifying machine including a fan impeller, having fan blades each with a base or radial portion 61 and a tip or connecting portion 62 inclined at an angle from the radial portion 61.

As discussed above, Bassin and Gensert are not properly combinable under 35 U.S.C. § 103(a), and even if combined would fail to disclose the features recited in claim 1, from which claims 12 and 13 depend, of first and second connectors extending outwardly from a wall, wherein a retainer plate is coupled to the wall by the at least first and second connectors. Assuming *arguendo* that Bassin, Gensert, and Lykken could be properly combined under 35 U.S.C. § 103(a), Lykken also fails to disclose the feature recited in claim 1 of first and second

connectors extending outwardly from a wall, wherein a retainer plate is coupled to the wall by the at least first and second connectors. Thus, even if combined as proposed by the Examiner, the proposed combination would fail to teach, disclose or suggest all of the elements of claim 1. The rejection of dependent claims 12 and 13 is overcome at least in view of their dependency upon claim 1. It is therefore respectfully submitted that a *prima facie* case for obviousness has not been established with respect to claims 12 and 13. Accordingly, it is respectfully requested that the rejection of claims 12 and 13 under 35 U.S.C. § 103(a) be withdrawn.

Claim Rejections – 35 U.S.C. § 103 – claims 14 and 15

The Examiner has rejected claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Bassin and Gensert and further in view of U.S. Patent No. 4,477,029 (Green). Green discloses a shredding machine having a lower cutting means 28 including four radially extending cutting arms 30, 31, 32, and 33. Green further discloses an upper cutting means 34 having upwardly extending limbs or blades 36, 37.

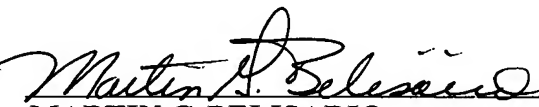
As discussed above, Bassin and Gensert are not properly combinable under 35 U.S.C. § 103(a), and even if combined would fail to disclose the features recited in claim 1, from which claims 14 and 15 depend, of first and second connectors extending outwardly from a wall, wherein a retainer plate is coupled to the wall by the at least first and second connectors. Assuming *arguendo* that Bassin, Gensert, and Green could be properly combined under 35 U.S.C. § 103(a), Green also fails to disclose the feature recited in claim 1 of first and second connectors extending outwardly from a wall, wherein a retainer plate is coupled to the wall by the at least first and second connectors. Thus, even if combined as proposed by the Examiner, the proposed combination would fail to teach, disclose or suggest all of the elements of claim 1. The rejection of dependent claims 14 and 15 is overcome at least in view of their dependency upon claim 1. It is therefore respectfully submitted that a *prima facie* case for obviousness has not been established with respect to claims 14 and 15. Accordingly, it is respectfully requested that the rejection of claims 14 and 15 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 1-15, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and objections, and an early notice of allowance are respectfully requested.

Respectfully submitted,

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